

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

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| UNITED STATES OF AMERICA, Plaintiff, vs. TIMOTHY RED ELK, Defendant. | 3:22-CR-30010-RAL 3:19-CR-30113-RAL SENTENCING SCHEDULING ORDER |
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Defendant Timothy Red Elk appeared before Magistrate Judge Mark Moreno for a change of plea hearing on May 19, 2022. Judge Moreno issued a Report and Recommendation recommending that the Court accept Defendant's plea of guilty to Count 1 as alleged in the Indictment in 3:22-CR-30010-RAL, and has admitted the allegations in Paragraphs 2 & 3 of the Petition to Revoke Supervised Release, Doc. 44, in 3:19-CR-30113-RAL For good cause, it is hereby

ORDERED that this Court adopts the Report and Recommendation, Doc. 28 in 3:22-CR-30010-RAL, Doc. 44 in 3:19-CR-30113-RAL, the plea of guilty is accepted, and Defendant is adjudged guilty of Count 1 as alleged in the Indictment in 3:22-CR-30010-RAL, and accepts the admissions to the allegations in Paragraphs 2 & 3 of the Petition to Revoke Supervised Release, Doc. 44, in 3:19-CR-30113-RAL It is further

ORDERED that a combined modified presentence report be prepared and the draft shall be filed by the Probation Office in CM/ECF using the Draft Presentence Report event by **July 25, 2022**. It is further

ORDERED that any objection to the presentence report and notice of intent to seek a departure by either the Government or the Defendant shall be filed by counsel in CM/ECF using the Objections to Presentence Report event by **August 1, 2022**. If counsel has no objections to the presentence report, counsel should indicate such by using the Notice of No Objections to Presentence Report event. It is further

ORDERED that all letters of support shall be filed by counsel in CM/ECF using the Sealed Letter(s) of Support event by **August 8, 2022**. All letters of support shall be legibly scanned as one document and not scanned as separate documents. It is further

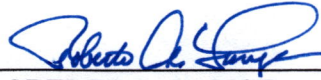
ORDERED that the final presentence report shall be filed by the Probation Office in CM/ECF using the Final Presentence Report event by **August 8, 2022**. An addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on those objections shall also be filed in CM/ECF using the Addendum to Final Presentence Report event. It is further

ORDERED that any Sentencing Memorandum and Motion for Departure or Variance shall be filed in CM/ECF by **August 15, 2022**. It is further

ORDERED that the sentencing hearing and any necessary evidentiary hearing regarding sentencing shall be held on **Monday, August 22, 2022 at 9 a.m.**, in the Courtroom of the U.S. Courthouse in Pierre South Dakota.

DATED this 20th day of May, 2022.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE